

1
2
3
4 BILL NO. S-75-11-56.

5 SPECIAL ORDINANCE NO. S-267-75

6 AN ORDINANCE approving a contract with EARTH CONSTRUCTION
7 & ENGINEERING COMPANY, INC. for construction of water
8 main in Rolling Green Addition

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
10 WAYNE, INDIANA:


11 SECTION 1. That the contract dated October 31, 1975, between the City
12 of Fort Wayne, by and through its Mayor and the Board of Public Works and EARTH
13 CONSTRUCTION & ENGINEERING CO., INC., for:

14 Construction of 600[±] feet of six inch (6") ductile iron water main
15 in and along Brentwood Avenue from the east property line of Lot
16 115, westward to Lindbergh Blvd; also on Lindberg Blvd. from
17 the south property line of Lot 86 northward to the north property
18 line of Lot 53, all in Rolling Green Addition

19 for a total cost of \$9,950.00, of which the property owners will pay a maximum cost
20 of \$978.00 per lot and the balance paid by the City all as more particularly set forth
21 in said contract which is on file in the Office of Board of Public Works and is by
22 reference incorporated herein, made a part hereof and is hereby in all things ratified,
23 confirmed and approved.

24 SECTION 2. This Ordinance shall be in full force and effect from and
25 after its passage and approval by the Mayor.

26
27 
28 Councilman

29
30
31
32
33
34
35
APPROVED AS TO FORM
AND LEGALITY

CITY ATTORNEY

Read the first time in full and on motion by Moses, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 11-25-75

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Moses, seconded by Hinga, and duly adopted, placed on its passage.
Passed (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>8</u>	<u>0</u>	<u>1</u>		
BURNS	<u>X</u>				
HINGA	<u>X</u>				
WINTON KRAUS			<u>X</u>		
MOSES	<u>X</u>				
NUCKOLS	<u>X</u>				
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 12-9-75

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 267-75 on the 9th day of December, 1975.

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

James Stier
PRESIDING OFFICER

Presented by and to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of December, 1975, at the hour of 10:00 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 10th day of December, 1975, at the hour of 2:00 o'clock P. M., E.S.T.

Joe H. Long
MAYOR

Bill No. S-75-11-56

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
approving a contract with EARTH CONSTRUCTION & ENGINEERING COMPANY, INC.
for construction of water main in Rolling Green Addition

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

Winfield C. Moses, Jr. - Chairman

SAMUEL TALAPINO
Eugene Kraus, Jr. - Vice-Chairman

William Hinga

John Nuckols

Donald J. Schmidt

Samuel J. Talapino

William T. Hinga

DJ Schmidt

12/9/75 CONCURRED IN
DATE 12/9/75 CHARLES W. WESTERMAN, CITY CLERK

CONTRACT AND BOND

62-333-11

This Agreement, Made and entered into as of the thirty-first day of October 1975, by and between EARTH CONSTRUCTION & ENGINEERING CO., INC.

the County of Allen and State of Indiana, party of the first part, and the City of Fort Wayne, County of Allen, State of Indiana, by and through its Board of Public Works, party of the second part, under and by virtue of an Act of the General Assembly of the State of Indiana, entitled "An Act Concerning Improvements, in or for the benefit of recorded platted additions to and/or within cities and towns." Approved May 16, 1927, and the provisions of all acts amendatory thereto and supplemental thereof.

WITNESSETH, That the party of the first part covenants and agrees to construct 600± feet of six inch (6") ductile iron water main in and along Brentwood Avenue from the east property line of Lot 115, westward to Lindbergh Blvd; also on Lindbergh Blvd. from the south property line of Lot 86 northward to the north property line of Lot 53, all in Rolling Green Addition.

for the Following Prices

Item	Quantity	Description	U.P.	Extension
1.	600± LF	6" D.I. Water Main	8.00	\$4,800.00
2.	1 ea.	Fire Hyd. Ass'y, Type II	1,050.00	1,050.00
3.	2 ea.	6" Gate valve w/box	450.00	900.00
4.	1 ea.	6"x6"x6" M.J. Tee	250.00	250.00
5.	500± LF	Top Soil & Seeding	1.20	600.00
6.	70± LF	Driveway Stone Repl.	2.50	175.00
7.	40± LF	Oiled Gravel St. Repl.	4.00	160.00
8.	13 ea.	3/4" Service Taps	155.00	2,015.00
Total Bid				\$9,950.00

The said party of the first part expressly agrees to make the improvements herein specified in strict accordance with the provisions of water Improvement Resolution No. 1010-75 and in accordance with the plans, profiles and specifications for the Improvement on file in the office of the Department of Public Works of said city. The resolution, profiles, plans, specifications and bids for work herein specified are hereby made a part of this contract as fully and effectively as if herein set out in full.

The said party of the first part further agrees to do and perform all of said work to the entire satisfaction of the Board of Public Works and to complete the same within thirty(30) days after the date of Execution of this contract. To each of the conditions and stipulations of this contract the undersigned bind themselves, their successors and assigns.

IN WITNESS WHEREOF, We, the foregoing named parties hereunto set our hands this 31st day of October 1975.

Earth Construction & Eng. Co. Inc.

Carl P. Hughes - Pres.
Contractor, party of the first part.

This contract approved by us this _____ day of _____ 19____

BOARD OF PUBLIC WORKS,
Party of the second part.

John M. Lubanoff
Mayor

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

LIABILITY BOND

KNOW ALL MEN BY THESE PRESENTS, That we Earth Construction & Engineering Co. Inc.

as principal and AMERICAN STATES INSURANCE COMPANY, Indianapolis, Indiana

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of

Nine Thousand Nine-Hundred Fifty Dollars and -----/100 (\$ 9,950.00.....)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

The conditions of the above obligations are such, that if the above named party of the first part shall faithfully comply with the foregoing contract made and entered into the thirty-first day of October, 1975, with the City of Fort Wayne, Indiana, and shall faithfully fulfill all the conditions and stipulations therein contained including the payment of vendors', suppliers and sub-contractors' bills, except the warranty and guaranty of the water main as to the workmanship, material and condition for the period of One (1) year, according to the true intent and meaning thereof in all respects, then this obligation to be void, other wise to be an remain in full force and virtue in law and in the event the said City shall extend for the completion of said work, such extension shall not in any way release the sureties of this bond.

Witness our hands and seals this 31st day of October 1975.

AMERICAN STATES INSURANCE COMPANY

EARTH CONSTRUCTION & ENGINEERING, INC (SEAL)

By: Gerald C. Kramer
Gerald C. Kramer, Attorney-in-fact

By: (SEAL)

..... (SEAL)

..... (SEAL)

Approved this day of 19.....

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with Sections 5, 68, 69 of the Workmen's Compensation Act, approved March 14, 1929, in accordance with Section 14 of the Compensation Act (Acts 1929, page 545, being Section 9459 of Burns Annotated Statutes Volume IV). (Section 40-1214 Burns Annotated 1952 Revision—Volume VIII).

A copy of General Ordinance No. G-60-66, concerning discriminating in employment under municipal contracts, is attached and incorporated herein by reference.

American States Insurance Company

INDIANAPOLIS, INDIANA

KNOW ALL MEN BY THESE PRESENTS, that American States Insurance Company, a Corporation duly organized and existing under the laws of the State of Indiana, and having its principal office in the City of Indianapolis, Indiana, hath made, constituted

and appointed, and does by these presents make, constitute and appoint GERALD C. KRAMER, BERNARD M. NIEZER,

LOUISE H. ANDREWS, CURTIS C. HILL, GERIAD C. KRAMER, JR., FRED L. TACHTMEYER, AND

WAITER E. MANSKE ----- (Jointly or Severally)

of Fort Wayne and State of Indiana

its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, contracts of indemnity and other conditional or obligatory undertakings,

provided, however, that the penal sum of any one such instrument executed hereunder

shall not exceed TWO MILLION AND NO/100 (\$2,000,000.00) DOLLARS-----

and to bind the Corporation thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the common seal of the Corporation and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. This Power of Attorney is executed and may be revoked pursuant to and by authority granted by Section 7.07 of the By-Laws of the American States Insurance Company, which reads as follows:

"The Chairman of the Board, the President or any Vice-President shall have power, by and with the concurrence with the Secretary or any Assistant Secretary of the Corporation, to appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact as the business of the Corporation may require or to authorize any one of such persons to execute, on behalf of the Corporation, any bonds, recognizances, stipulations and undertakings, whether by way of surety or otherwise"

IN WITNESS WHEREOF, American States Insurance Company has caused these presents to be signed by its Vice-President,

attested by its Assistant Secretary and its corporate seal to be hereto affixed this 25th day of September

A. D. 19 75

AMERICAN STATES INSURANCE COMPANY

(SEAL)

By William M. Evans
Second Vice-President

ATTEST: Stanley L. Riegel
Assistant Secretary

STATE OF INDIANA }
COUNTY OF MARION } SS:

On this 25th day of September, A. D., 19 75, before me personally came

William M. Evans, to me known, who

being by me duly sworn, acknowledged the execution of the above instrument and did depose and say; that he is Vice-President of American States Insurance Company; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation; and that he signed his name

thereto by like order. And said William M. Evans further said that he is acquainted with Stanley L. Riegel and knows him to be the Assistant Secretary of said Corporation; and that he executed the above instrument.

January 10, 1977

My Commission Expires

Debra Kay Driscoll

Notary Public

STATE OF INDIANA }
COUNTY OF MARION } SS:

I, Stanley L. Riegel, the Assistant Secretary of AMERICAN STATES INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said AMERICAN STATES INSURANCE COMPANY, which is still in full force and effect.

This Certificate may be signed and sealed by facsimile under and by the authority of the following resolution of the Board of Directors of American States Insurance Company at a meeting duly called and held on the 15th day of December 1972.

"RESOLVED: That the use of a printed facsimile of the corporate seal of the company and of the signature of an Assistant Secretary on any certification of the correctness of a copy of an instrument executed by the President or a Vice-President pursuant to Section 7.07 of the By-Laws appointing and authorizing an Attorney-in-Fact to sign in the name and on behalf of the company surety bonds, underwriting undertakings or other instruments described in said Section 7.07, with like effect as if such seal and such signature had been manually affixed and made, hereby is authorized and approved."

In witness whereof, I have hereunto set my hand and affixed the seal of said Corporation, this thirty-first

day of October, A. D., 19 75

(SEAL)

Stanley S. Riegel
Assistant Secretary

DIGEST SHEET

TITLE OF ORDINANCE Special Ordinance

DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE Covers contract with Earth Construction & Engineering Company, Inc. in amount of \$9,950.00 for constructing a water main in and along Brentwood Avenue and Lindbergh Blvd., all in Rolling Green Addition.

EFFECT OF PASSAGE Fulfillment of construction work proposed in above subject Resolution.

EFFECT OF NON-PASSAGE Failure to fulfill construction agreement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) Property owners will be paying a maximum cost of \$978 per lot with City picking up rest of cost

ASSIGNED TO COMMITTEE *Public Works*